

**MINUTES
THE WEST VIRGINIA CONTRACTOR LICENSING BOARD**

April 28, 2022

The West Virginia Contractor Licensing Board met on April 28, 2022, at 9:00 a.m. at 1900 Kanawha Boulevard East – State Capitol Complex – Building 3 – Room 124 – Charleston, West Virginia.

BOARD MEMBERS PRESENT

Jacob Meck, Chair
Manny Alvarez
Ted Brady
Michael Davis
Mary Neenan
James M. Noel
Charles K. Smith

BOARD MEMBERS ABSENT

Amy Fairman
Frank R. Ferguson
Steven Solomon

OTHERS PRESENT

Mitchell E. Woodrum, Commissioner
Brooke M. Farber Esq., Deputy Commissioner
Kathy Rucker, Labor Programs Manager
Brian White, Labor Programs Manager
Larry Rucker, Labor Program Specialist
Kimberly Legg, Board Secretary

MEETING CALLED TO ORDER

A quorum being present, Mr. Meck called the meeting to order at 9:00 a.m.

APPROVAL OF AGENDA

Mr. Brady made a motion to approve the agenda of the April 28, 2022, board meeting. Mr. Davis seconded. Motion carried.

APPROVAL OF MINUTES

Mr. Smith made a motion to approve the minutes of the January 6, 2022, board meeting. Mr. Brady seconded. Motion carried.

PUBLIC COMMENT

No one appeared for public comment.

LICENSEE DISCIPLINARY HEARINGS

A. Dan Ryan Builders West Virginia, LLC – Rockville, MD – WV024291 (Hiring unlicensed subcontractors)

Attorney Charles Hughes and Tim Cowen of Dan Ryan Builders appeared on behalf of the company.

Mr. Alvarez made a motion to take no action against Dan Ryan Builders West Virginia, LLC; however, should future violations of hiring unlicensed subcontractors occur, the company may be required to submit a monthly list to the Board of all construction projects in West Virginia and all subcontractors and subsequent tier contractors hired to work on such projects. Mr. Brady seconded. Motion carried.

B. NVR, Inc. DBA Ryan Homes – Reston, VA – WV031951 (Hiring unlicensed subcontractors)

John Merinar from Steptoe and Johnson and Kent LaMotta from NVR appeared on behalf of the company.

Mr. Alvarez made a motion to take no action against Dan Ryan Builders West Virginia, LLC; however, should future violations of hiring unlicensed subcontractors occur, the company may be required to submit a monthly list to the Board of all construction projects in West Virginia and all subcontractors and subsequent tier contractors hired to work on such projects. Mr. Noel seconded. Motion carried.

C. Emily Bolyard DBA To the Moon Roofing – Grafton, WV – WV060672 (Workers' Compensation Default List – Placed on list November 16, 2021)

No one appeared on behalf of To the Moon Roofing.

Mr. Brady made a motion to suspend the license for To the Moon Roofing until the default has been resolved. Mr. Smith seconded. Motion carried.

D. All About Construction Plumbing Electric – Clendenin, WV – WV059392 (Kanawha County Circuit Court judgment against One Call, LLC in the amount of \$9,000.00)

No one appeared on behalf of All About Construction Plumbing Electric/One Call, LLC.

Mr. Smith made a motion to suspend the license for All About Construction Plumbing Electric and not allow One Call, LLC renew until the judgment against One Call, LLC has been paid. Mr. Brady seconded. Motion carried.

E. Hawkins Construction, LLC – Masontown, WV – WV051523 (Monongalia County Circuit Court judgment in the amount of \$22,000.00, plus court costs and interest)

Tyson Hawkins appeared on behalf of Hawkins Construction, LLC.

Mr. Smith made a motion to require Mr. Hawkins submit a list of current projects and their locations and allow 30 days from receipt of order to provide proof of a payment plan or release of judgment or license will be suspended. Mr. Brady seconded. Motion carried.

**F. AB Contracting, LLC – Point Pleasant, WV – WV003452
(Hiring unlicensed subcontractors)**

Kevin Anderson and Ian Henry from Dinsmore and Pam Campbell from AB Contracting appeared on behalf of the company.

Mr. Brady made a motion to place AB Contracting, Inc. on probation for a period of 120 days, allow 60 days for company to provide an action plan and 10 days to submit a list of current projects and their locations. Mr. Smith seconded. Motion carried.

CEASE AND DESIST ORDERS

A. Advisory Letters

UL015859 – Ryan Combs from Jackson & Kelly appeared on behalf of Noel Lorenzo Numez, LLC

Mr. Smith made a motion to accept staff recommendations. Mr. Noel seconded. Motion carried.

B. \$200.00 Fines

UL015820 – Craig Butcher appeared on behalf of Butcher Plumbing, LLC

UL015832 – Logan Withrow appeared on behalf of EZ Briez Finishing, LLC

Mr. Brady made a motion to accept staff recommendations. Mr. Smith. Motion carried.

C. \$500.00 Fines

Mr. Smith made a motion to accept staff recommendations. Mr. Alvarez seconded. Motion carried.

D. \$1,000.00 Fines

Mr. Brady made a motion to accept staff recommendations. Mr. Smith seconded. Motion carried.

APPROVAL OF DIVISION OF LABOR PAYROLL REIMBURSEMENT INVOICE

Mr. Woodrum presented the FY 2022 3rd Quarter Financial Report and Payroll Reimbursement Invoice to the Board for approval.

Mr. Smith made a motion to approve the reimbursement invoice. Mr. Noel seconded. Motion carried.

DOL REPORT

- An update was provided to the Board on Advisory Letters sent to companies for hiring unlicensed subcontractors.
- Legislative Rule was approved by the Legislature and is effective May 1, 2022
- RFQ – Pro-V was given an extension of 120 days to provide testing for the Board. Bids for new contract are due at 4:00pm on April 29, 2022.
- Mr. Woodrum updated the board on criminal action taken against Over the Top Roofing and A Personal Services by the Attorney General's Office.

- Mr. Woodrum advised the Board that staff was going to submit a request for positions to be created for an executive director, chief financial officer, administrative secretary and office personnel for the Board in the event the Contractor Licensing Board chooses to separate from the Division of Labor after June 15, 2023.
- Mr. Woodrum advised the Board that staff has consulted with Big Picture to create a new database and website for the Board.

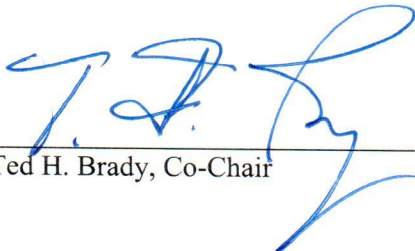
NEXT MEETING DATE

August 25, 2022

ADJOURNMENT

Mr. Smith made a motion to adjourn at 11:37 a.m. Mr. Brady seconded. Motion carried.

Approved:



Ted H. Brady, Co-Chair